

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JUNE 17, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: RQR-33734 – APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: SZECHWAN CORP**

---

**\*\* CONDITIONS \*\***

The Planning Commission (5-0-1/gt vote) and staff recommend APPROVAL, subject to conditions.

**Planning and Development**

1. Conformance to the conditions for Special Use Permit (U-0271-93).
2. This Special Use Permit shall be placed on an agenda closest to February 2, 2012 at which time the City Council may require the Off-Premise Sign (Billboard) be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign (Billboard) is removed.
3. The Off-Premise Sign (Billboard) and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign (Billboard).
4. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (U-0271-93) shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is in response to a Required Review of a previously approved Special Use Permit (U-0271-93) for a 55-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 3101 West Sahara Avenue.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</i></b>	
02/02/94	The City Council approved a request for a Special Use Permit (U-0271-93) for a 14-foot by 48-foot Off-Premise Sign (Billboard); and to allow a maximum height of 55 feet because the sign face would be obscured from view at a height of 40 feet. The Board of Zoning Adjustment recommended denial on 12/28/93.
03/22/99	The City Council approved a request for a Required Review [U-0271-93(1)] of an approved Special Use Permit (U-0271-93) for a 50-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 3101 West Sahara Avenue. The Planning Commission recommended approval on 02/25/99.
07/05/01	The City Council approved a request for a Required Review [U-0271-93(2)] of an approved Special Use Permit (U-0271-93) for a 50-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 3101 West Sahara Avenue. The Planning Commission recommended approval on 03/22/01.
05/14/09	The Planning Commission voted 5-0-1/gt to recommend APPROVAL (PC Agenda Item #10/ds).
<b><i>Related Building Permits/Business Licenses</i></b>	
c.1974	The building on the subject site was constructed.
03/24/94	A building permit (94324242) was issued for the construction of an Off-Premise Sign (Billboard) at 3101 West Sahara Avenue. The permit was finalized on 04/05/94.

<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting was not required, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	

<b>Field Check</b>	
04/09/09	<p>Staff conducted a field check of the subject site with the following observations:</p> <ul style="list-style-type: none"> <li>• The sign and supporting structure appeared in good condition.</li> <li>• The subject billboard did not have an embellishment, animated signage, or electronic displays.</li> <li>• All structural elements have been properly maintained and are screened from public view.</li> </ul>

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	0.36

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
North	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
East	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>	X		Y
A-O Airport Overlay District	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within public right-of-way	Sign is not located in public right-of-way.	Y
Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	Sign is located in a C-1 (Limited Commercial) zoning district.	Y

Area	No Off-Premise Sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Sign does not have an embellishment and is 672 square feet in size.	Y
Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	Sign is 55 feet tall.	N*
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	All structural elements are properly screened from public view.	Y
Off-Premise Sign (Billboard)	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-Premise Sign (if not along US-95)	Sign is at least 300 feet from another billboard sign.	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" or U" zoned districts.	Sign is approximately 100 feet from property zoned for residential use.	N
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Sign is permanently secured to the ground and is not located on property zoned for residential use.	Y

\* The City Council approved a Special Use Permit (U-0271-93) permitting the sign to be at a height of 55 feet.

## ANALYSIS

This is the third Required Review of a previously approved Special Use Permit (U-0271-93) for a 50-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 3101 West Sahara Avenue. A research of the building permit activity found that a sign permit #94324242 was issued for the construction of a billboard sign, which received a final inspection on 04/05/94 under the address of 3101 West Sahara Avenue. During a site inspection, staff found the sign and supporting structure in good condition with no discrepancies noted.

The billboard is approximately 100 feet from an R-1 (Single-Family Residential) zone. Ordinance 3884, adopted by the City Council on 04/19/95 revised Title 19.14.100, thereby requiring a minimum separation of 300 feet between an Off-Premise Sign (Billboard) and any “R” (Residential) or “U” (Undeveloped) zone, which was subsequent to the original approval of the billboard.

## **FINDINGS**

The sign is located in a C-1 (Limited Commercial) zoning district and is not within the Off-Premise Exclusionary Zone. The sign and supporting structure appeared in good condition. The area surrounding the sign has not experienced any significant land use changes or development. Though the sign does not meet current code requirements pertaining to the minimum distance separation from residentially zoned property, the billboard did conform to the Municipal Code minimum requirements in effect at the time of approval and installation; therefore, staff is recommending approval, subject to a three-year review.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

14

**ASSEMBLY DISTRICT**      10

**SENATE DISTRICT**      3

**NOTICES MAILED**      284 by City Clerk

**APPROVALS**      0

**PROTESTS**      7